

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED
FEB 27 2017

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
B.B., Jr., an infant, by ALEXIS ESTRADA, Individually,
and as parent and natural guardian,

Plaintiffs,

- against -

RESPONSE WORLDWIDE INSURANCE COMPANY,

Defendant.
-----X

LAWRENCE K. BAERMAN, CLERK
ALBANY
INFANT'S
COMPROMISE ORDER

Civil Action No.: 1:16-CV-
417(LEK/DJS)

Upon reading and filing the Petition of Alexis Estrada duly verified and acknowledged on January 12, 2017, the Affirmation of THOMAS C. YATTO, ESQ., dated January 27, 2017, the Affirmation of Dr. Bethany Broderick, dated January 12, 2017; and upon all of the pleadings and proceedings heretofore had herein; and it appearing that the best interests of the infant will be served by compromising the action in the amount of EIGHTY THOUSAND DOLLARS (\$80,000.00); and

The Court having been advised that there are two other actions brought by the plaintiffs involving this same subject matter, that a joint mediation was conducted involving the defendants in all three actions, that defendants in the three actions have agreed before the Mediator to a total settlement in the amount of EIGHTY THOUSAND DOLLARS (\$80,000.00), that defendants in the other two actions have agreed to contribute to the settlement as follows:

The Travelers defendants in an action in this Court under Civil Action No. 1:16-CV-135 have agreed to contribute THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00); and

The defendant Nora Fennell in an action in the Supreme Court of the State of New York, Schenectady County under Index No. 10/2016 has agreed to contribute
TWENTY THOUSAND DOLLARS (\$20,000.00);

and the Court having been advised that separate Orders to that effect will be entered in each of the other two actions, and that the plaintiffs will not discontinue those actions or sign releases in those actions until all three Orders approving this settlement have been signed,

NOW, on the motion of MAINETTI, MAINETTI & O'CONNOR, P.C., attorneys for B.B., JR., an infant, by ALEXIS ESTRADA, Individually, and as parent and natural guardian, it is hereby,

ORDERED, that Alexis Estrada is authorized, empowered and directed to compromise and settle the cause of action on behalf of the Infant for personal injuries sustained by the Infant in the sum of EIGHTY THOUSAND DOLLARS (\$80,000.00); and it is further

ORDERED, that the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) is to be paid by the Defendant Response Worldwide Insurance Company, and it is further

ORDERED, that the sum of THREE THOUSAND FOUR HUNDRED DOLLARS AND SEVENTEEN CENTS (\$3,417.47) be allowed and made payable to MAINETTI, MAINETTI & O'CONNOR, P.C. for costs and disbursements incurred in connection with the preparation and prosecution of this action; and it is further

ORDERED, that the sum of TWENTY-FIVE THOUSAND FIVE HUNDRED TWENTY-FOUR DOLLARS AND NINETY-SIX CENTS (\$25,524.96) be allowed and made payable to MAINETTI, MAINETTI & O'CONNOR, P.C. as full payment of their fees for professional services rendered herein; and it is further

MAINETTI & O'CONNOR, P.C. for costs and disbursements incurred in connection with the preparation and prosecution of this action; and it is further

ORDERED, that the sum of TWENTY-FIVE THOUSAND FIVE HUNDRED TWENTY-FOUR DOLLARS AND NINETY-SIX CENTS (\$25,524.96) be allowed and made payable to MAINETTI, MAINETTI & O'CONNOR, P.C. as full payment of their fees for professional services rendered herein; and it is further

ORDERED, that the balance of said settlement, to wit, the sum of FIFTY-ONE THOUSAND AND FIFTY-SEVEN DOLLARS AND FIFTY-SEVEN CENTS (\$51,057.57) be allowed and made payable to Alexis Estrada, as Parent and Natural Guardian of B.B., Jr., an Infant, jointly with an officer of Bank of America Bank, located at 500 State St., Schenectady, NY to be deposited in the said bank in an account, or accounts, yielding the highest rate of interest available, in the name of said guardian in trust for the Infant and for the sole use and benefit of the Infant; and that the time deposit accounts and certificate of deposit accounts shall be continuously renewed at maturity at the highest rate of interest then available, but the date of maturity thereof shall not extend beyond the date upon which the Infant attains the age of eighteen (18) years; and that when no such time deposit or certificate of deposit account is available, then the accumulated funds shall be placed in the bank's insured money market account; and that no withdrawals shall be made from said account, or accounts, before the Infant reaches the age of eighteen (18) years, except upon further order of this Court; and it is further

ORDERED, that upon the Infant reaching majority at the age of eighteen (18) years, and upon his/her presentation of the proper proof thereof, the aforestated

Dated: February 27, 2017



Lawrence E. Kahn
U.S. District Judge